

ORDINANCE NO. 2019-001

PROHIBITION OF RECREATIONAL MARIHUANA ESTABLISHMENTS ORDINANCE

An Ordinance to provide a title for the ordinance; to define words; to prohibit marihuana establishments within the boundaries of Wheatland Township pursuant to Initiated Law 1 of 2018, MCL 333.27951 *et seq.*, as may be amended; to provide penalties for violation of this ordinance; to provide for severability; to repeal all ordinances or parts of ordinances in conflict therewith; and to provide an effective date.

THE TOWNSHIP OF WHEATLAND ORDAINS:

SECTION 1. TITLE: This ordinance shall be known as and may be cited as the Wheatland Township Prohibition of Marihuana Establishments Ordinance.

SECTION 2. DEFINITIONS: Words used herein shall have the definitions as provided for in the Initiated Law 1 of 2018, MCL 333.27951 *et seq.*, commonly known as the Michigan Regulation and Taxation of Marihuana Act, is prohibited throughout the jurisdictional boundaries of Wheatland Township. This prohibition includes, but is not limited to, the following types of marihuana establishments:

- A. Marihuana grower.
- B. Marihuana safety compliance facility.
- C. Marihuana processor.
- D. Marihuana microbusiness.
- E. Marihuana retailer.

Marihuana secure transporter. Any other type of marihuana-related business that is subject to licensing by the state department of licensing and regulatory affairs ("LARA") under Michigan Initiated Law 1 of 2018 or the rules promulgated thereunder.

- G. Any other type of marihuana-related business that is subject to licensing by the state department of licensing and regulatory affairs ("LARA") under Michigan Initiated Law 1 of 2018 or the rules promulgated thereunder.

SECTION 3. NO MARIHUANA ESTABLISHMENTS: Wheatland Township hereby prohibits all marihuana establishments within the boundaries of the Township pursuant to Initiated Law 1 of 2018, MCL 333.27951 *et seq.*, as may be amended.

SECTION 4: VIOLATIONS AND PENALTIES:

1. Any person who disobeys neglects or refuses to comply with any provision of this ordinance or who causes allows or consents to any of the same shall be deemed to be responsible for the violation of this ordinance. A violation of this ordinance is deemed to be a nuisance per se.
2. A violation of this ordinance is a municipal civil infraction, for which the fines shall not be less than \$100 nor more than \$500, in the discretion of the court. The foregoing sanctions shall be in addition to the rights of the Wheatland Township to proceed at law or equity with other appropriate and proper remedies. Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which Wheatland Township will incur in connection with the municipal civil infraction.
3. Each day during which any violation continues shall be deemed a separate offense.
4. 4. In addition, Wheatland Township may seek injunctive relief against persons alleged to be in violation of this ordinance, and such other person (s) as designated by the Wheatland Township Board from time to time.

SECTION 5. SEVERABILITY: The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, word, section or provisions hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.

SECTION 6. REPEAL: All ordinance or parts of ordinances in conflict herewith are hereby repealed.

SECTION 7. EFFECTIVE DATE: This ordinance shall take effect on the 21st day of September, 2019.

Ordained this 21st day of September, 2019.

Approved this 16th day of September, 2019.


Name: Mary Karcher
Title: Clerk

ROLL CALL VOTE: YES 5 NO 0

ATTEST:


Name: Joe Fate
Title: Supervisor

ORDINANCE NO. 2019-001

PROHIBITION OF RECREATIONAL MARIHUANA ESTABLISHMENTS ORDINANCE

An Ordinance to provide a title for the ordinance; to define words; to prohibit marihuana establishments within the boundaries of Wheatland Township pursuant to Initiated Law 1 of 2018, MCL 333.27951 *et seq.*, as may be amended; to provide penalties for violation of this ordinance; to provide for severability; to repeal all ordinances or parts of ordinances in conflict therewith; and to provide an effective date.

THE TOWNSHIP OF WHEATLAND ORDAINS:

SECTION 1. TITLE: This ordinance shall be known as and may be cited as the Wheatland Township Prohibition of Marihuana Establishments Ordinance.

SECTION 2. DEFINITIONS: Words used herein shall have the definitions as provided for in the Initiated Law 1 of 2018, MCL 333.27951 *et seq.*, commonly known as the Michigan Regulation and Taxation of Marihuana Act, is prohibited throughout the jurisdictional boundaries of Wheatland Township. This prohibition includes, but is not limited to, the following types of marihuana establishments:

- A. Marihuana grower.
- B. Marihuana safety compliance facility.
- C. Marihuana processor.
- D. Marihuana microbusiness.
- E. Marihuana retailer.
- F. Marihuana secure transporter. Any other type of marihuana-related business that is subject to licensing by the state department of licensing and regulatory affairs ("LARA") under Michigan Initiated Law 1 of 2018 or the rules promulgated thereunder.
- G. Any other type of marihuana-related business that is subject to licensing by the state department of licensing and regulatory affairs ("LARA") under Michigan Initiated Law 1 of 2018 or the rules promulgated thereunder.

SECTION 3. NO MARIHUANA ESTABLISHMENTS: Wheatland Township hereby prohibits all marihuana establishments within the boundaries of the Township pursuant to Initiated Law 1 of 2018, MCL 333.27951 *et seq.*, as may be amended.

SECTION 4: VIOLATIONS AND PENALTIES:

1. Any person who disobeys neglects or refuses to comply with any provision of this ordinance or who causes allows or consents to any of the same shall be deemed to be responsible for the violation of this ordinance. A violation of this ordinance is deemed to be a nuisance per se.
2. A violation of this ordinance is a municipal civil infraction, for which the fines shall not be less than \$100 nor more than \$500, in the discretion of the court. The foregoing sanctions shall be in addition to the rights of the Wheatland Township to proceed at law or equity with other appropriate and proper remedies. Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which Wheatland Township will incur in connection with the municipal civil infraction.
3. Each day during which any violation continues shall be deemed a separate offense.
4. In addition, Wheatland Township may seek injunctive relief against persons alleged to be in violation of this ordinance, and such other person (s) as designated by the Wheatland Township Board from time to time.

SECTION 5. SEVERABILITY: The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, word, section or provisions hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.

SECTION 6. REPEAL: All ordinance or parts of ordinances in conflict herewith are hereby repealed.

SECTION 7. EFFECTIVE DATE: This ordinance shall take effect on the 21st day of September, 2019.

Ordained this 21st day of September, 2019.

Approved this 16th day of September, 2019.

Mary Karcher

Name: Mary Karcher

Title: Clerk

ATTEST:

Joe Fate

Name: Joe Fate

Title: Supervisor

ROLL CALL VOTE: YES 5 NO 0